

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| TIMBER CREEK HOMES, INC., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB No. 14-99 |
| |) | (Pollution Control Facility |
| |) | Siting Appeal) |
| VILLAGE OF ROUND LAKE PARK, ROUND |) | |
| LAKE PARK VILLAGE BOARD and GROOT |) | |
| INDUSTRIES, INC., |) | |
| |) | |
| Respondents. |) | |

REQUEST TO PRODUCE TO PETITIONER

NOW COMES the Respondent, Groot Industries, Inc. ("Groot"), and propounds the following requests to Petitioner Timber Creek Homes, Inc. ("TCH"), to be answered by TCH by March 15, 2014.

DEFINITIONS

A. "TCH" refers to Timber Creek Homes, Inc., and all of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

B. "Village of Round Lake Park" or "Village" means the Village of Round Lake Park and all of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

C. "Round Lake Park Village Board" or "Village Board" means the Village Board, its members, and any of their respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on their behalf.

D. "Groot" means Groot Industries, Inc., and any of its respective agents, directors, officers, employees, representatives, and all persons and entities who have acted or purported to act on its behalf.

E. "Communication" means, without limiting the generality of its meaning, any form of communication between two or more persons, whether in writing or oral, including but not limited to correspondence, e-mails, conversations, phone calls, reports, documents, and memoranda.

F. "Siting Application" means Groot's Application seeking approval for a municipal solid waste transfer station to be located at the northeast corner of Illinois Route 120 and Porter Drive in the Village of Round Lake Park, filed on June 21, 2013.

G. "Document" means, without limiting the generality of its meaning, writings, papers, or tangible things of any kind or nature whatsoever in the possession or subject to the control of the Petitioner, its respective agents, employees, representatives, witnesses, or attorneys, including but not limited to letters, handwritten notes, calendar pads, appointment books, notepads, notebooks, correspondence of any kind, postcards, memorandum, telegrams, telexes, e-mails, internal communications of any kind, annual or other reports, financial statements, billing statements, payment authorizations, canceled checks, books, records, ledgers, journals, minutes of all meetings, contracts, agreements, appraisals, analysis, charts, graphs, bulletins, speeches, reports, data sheets, data tapes, or readable computer interpretations thereof, computer programs, software or any medium containing computer programs, circulars, pamphlets, notices, statements, stenographic notes, surveys, microfilm, microfiche, tape and disk recordings, photostats, photographs, drawings, transparencies, overlays, periodicals, sketches, illustrations, blueprints, plans, and personal interviews, wherever located, including non-final drafts or earlier versions and non-identical copies of any of the above, and all compilations of the foregoing, including binders, notebooks, folders and files.

H. "Refer or relate" means anything which directly or indirectly concerns, consists of, pertains to, reflects, evidences, describes, sets forth, constitutes, contains, shows, underlies, supports, or refers to in any way, or was used in the preparation of, appended to, legally, logically, or factually connected with, proves, disproves, or tend to prove or disprove.

I. "Siting process and procedures" includes any and all proceedings and processes employed by the Village or the Village Board before and after the filing of the Siting Application through the decision rendered by the Village Board on December 12, 2013, concerning the Siting Application.

J. The singular and plural form shall be construed interchangeably so as to bring within the scope of these requests any documents which might otherwise be construed outside their scope.

K. The words "and" and "or" shall be construed conjunctively and disjunctively as necessary to bring within this document request all information that might otherwise be construed as outside their scope.

INSTRUCTIONS

1. Continuing Responses. This document request shall be deemed to be continuing in nature and if, after serving your responses, additional information becomes known or available to you that is responsive to this document request, then you are required to reasonably supplement or amend your responses.

2. Work Product or Privileges. With respect to each document, oral statement, or communication that you claim is privileged or subject to the work product doctrine, identify the document, statement or communications to the fullest extent, including the date, maker, and recipient, the general subject matter, and the basis of the claim of privilege or work product.

In accordance with the foregoing definitions and instructions, please answer the following:

REQUEST NO. 1:

Any and all documents relating to or purporting to show any alleged pre-adjudication of Groot's Siting Application by the Village or Village Board.

RESPONSE:

REQUEST NO. 2:

Any and all documents relating to or purporting to show any alleged bias in the siting process or procedure in this matter, including the deliberation and decision making process engaged in by the Village or the Village Board related to the Siting Application, either before or after the Village Board's decision on December 12, 2013.

RESPONSE:

REQUEST NO. 3:

Any and all documents concerning or relating to any alleged lack of fundamental fairness of the siting hearing, procedure, process, or decision of the Village Board related to the Siting Application.

RESPONSE:

REQUEST NO. 4:

Any and all documents relating to the alleged usurpation of the Village Board's authority by the hearing officer in the hearing, procedure, process, or decision of the Village Board related to the Siting Application, either before or after the Village Board's decision on December 12, 2013.

RESPONSE:

REQUEST NO. 5:

Any and all documents relating to the alleged failure of the Village Board to perform its statutory duty regarding the Siting Application, either before or after the Village Board's decision on December 12, 2013.

RESPONSE:

REQUEST NO. 6:

All documents which purport to show any alleged *ex parte* or improper contacts by anyone with the Village or Village Board concerning the Siting Application.

RESPONSE:

REQUEST NO. 7:

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion i.

RESPONSE:

REQUEST NO. 8:

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion ii.

RESPONSE:

REQUEST NO. 9:

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion iii.

RESPONSE:

REQUEST NO. 10:

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion vi.

RESPONSE:

REQUEST NO. 11:

All documents related to Petitioner's claim that the Village Board's decision was against the manifest weight of the evidence with respect to statutory criterion viii.

RESPONSE:

REQUEST NO. 12:

All documents not provided pursuant to one of the Requests above, which relate to any issue raised in the Petition filed herein.

RESPONSE:

REQUEST NO. 13:

Any and all documents or things set forth or referred to in TCH's Answers to Interrogatories, propounded herewith.

RESPONSE:

REQUEST NO. 14:

Any and all documents related to any communications between TCH or any of its agents and attorneys, including but not limited to Mr. Larry Cohn and Mr. Michael Blazer, and any Trustee or member of the Village of Round Lake Village Board at any time since June 21, 2013.

RESPONSE:

REQUEST NO. 15:

Any and all communications between TCH or its agents or attorneys, including but not limited to Mr. Larry Cohn and Mr. Michael Blazer, between any waste company, transfer station operator, or other competitor to Groot concerning the Siting Application or the siting procedures and process, including the public hearing concerning the Application.

RESPONSE:

REQUEST NO. 16:

Any and all documents related to any change in service agreement between TCH or any of its affiliates, including subsidiaries, parent companies, or business entities under the same ownership as TCH, and any waste company or transfer station operator since January 2013.

RESPONSE:

REQUEST NO. 17:

It is further requested that each party and/or his or its attorney in compliance with this request for production shall furnish an Affidavit stating whether the production is complete.

RESPONSE:

Dated: February 14, 2014

Respectfully submitted,

On behalf of GROOT INDUSTRIES, INC.

/s/ Richard S. Porter

Richard S. Porter
One of Its Attorneys

Charles F. Helsten ARDC 6187258
Richard S. Porter ARDC 6209751
HINSHAW & CULBERTSON LLP
100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900